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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,769	04/19/2000	DO-HYOUNG KIM	Q57164	1355

7590 05/17/2007  
SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037-3202

EXAMINER
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PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/445,769

Applicant(s)

KIM, DO-HYOUNG

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-4, 8, 9, 13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 8, 9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mano et al., (US 5,793,366), previously cited.

As per claim 2 and 13 Mano teaches a method for displaying changes in operation states of network devices on a display screen of a client device which operates as a client in a network where various digital devices connected to the network operate as one of the client and server devices, the method comprising the steps of:

(a) receiving, at the client device, a predetermined signal that indicates changes in the operation states of the server devices, from the server devices, and displaying the change in the operation state of a specific device on a screen thereof, wherein the client device establishes said communication channel with respect to the server devices by periodic pooling in the step (a), wherein said periodic polling occurs at regular intervals.

*Mano* specifically teaches whether the GUI device is a client device in *Mano's* system. However, *Mano* teaches a system that integrates the IEEE 1394 protocol and the GUI device of *Mano* monitors/detects the presence of newly attached devices and establishes a communication channel with the newly attached device. Furthermore, the GUI device monitors the changes of the operational state of the connected devices. It is well known in the art that in an IEEE 1394 protocol system devices connected to the system will either be a client or server device and Examiner is taking the position that the GUI device of *Mano* is a client device because it is part of an IEEE 1394 computer network of devices that will recognize signals from the various (newly connected) digital devices. Furthermore, Examiner is unsure why applicant would argue that *Mano's* GUI device does not perform the functions of the client device as described in the claimed invention, nonetheless, Examiner's position is that the GUI device is a client device in *Mano's* system that performs the functions described in the claimed invention wherein the GUI device monitors/detects a change in the operation state of at least one connected digital device and establishes a communication channel with any newly attached device. Furthermore, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Further, as to applicant's argues that Mano does not teach polling for server devices and Examiner agrees with applicant that Mano does not expressly uses the term polling. However, Examiner is taking the position that Mano's system teaches discovering that a device is connected via receiving a signal after the device is "hot plugged" (plug and play type detection) to the serial bus network. It would have been apparent to one of ordinary skill at the time the invention was made that polling procedures may be contained in Mano's operational software which polls components that are hot-plugged into the serial bus network. Mano does not need to expressly use the term polling in the disclosure since one skilled in the art is presumed to know something about the art apart from what the references literally disclose. (see *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962)). Nonetheless, official notice is taken that polling is a well known method of detecting newly connected devices and depending upon the applications utilized Mano would have been motivated to implement this advance method of device detection without departing from Mano's inventive concept.

As per claim 3 and 14, *Mano* teaches of the client device establishing the communication channel with respect to the server device. However, *Mano* does not teach the use of a Java applet. Nonetheless, it would have been obvious to one of

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ordinary skill that Java applet applications are well known in the art. Further, *Mano* teaches of using GUIs that provides real-time displays of animated images representing devices coupled to a bus structure. Therefore, *Mano* would have been motivated to implement Java applets into the GUI in order to expand the flexibility of *Mano*'s real-time displays of devices coupled to the bus structure.

As per claims 8 -11, *Mano* teaches wherein said operation states comprise at least one play, tray-open, pause, and stop.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

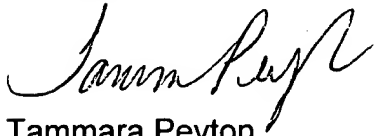
Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written in black ink.

Tammara Peyton

May 14, 2007